



February 15, 2001

HOUSE BILL No. 1360

DIGEST OF HB 1360 (Updated February 14, 2001 1:07 PM - DI 92)

Citations Affected: IC 4-12; IC 6-8.1.

Synopsis: Designation of tax refund for cancer research. Establishes the Barry J. Brumer cancer research fund. Provides that a taxpayer may designate all or a part of the taxpayer's state income tax refund to be paid over to the Barry J. Brumer cancer research account within the Indiana health care trust fund. Provides that tax refunds designated to the Barry J. Brumer cancer research account must be used to fund cancer research.

Effective: July 1, 2001.

Hasler, Brown C, Becker, Budak

January 11, 2001, read first time and referred to Committee on Ways and Means.
February 14, 2001, amended, reported — Do Pass.

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February 15, 2001

First Regular Session 112th General Assembly (2001)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2000 General Assembly.

HOUSE BILL No. 1360

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 4-12-5-3, AS ADDED BY P.L.21-2000, SECTION
2 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1,
3 2001]: Sec. 3. (a) The Indiana health care trust fund is established for
4 the purpose of promoting the health of the citizens of Indiana. The fund
5 consists of:

6 (1) amounts, if any, that another statute requires to be distributed
7 to the fund from the Indiana tobacco master settlement agreement
8 fund;

9 (2) appropriations to the fund from other sources;

10 (3) grants, gifts, and donations intended for deposit in the fund,
11 **including amounts designated to the Barry J. Brumer Cancer**
12 **Research account under IC 6-8.1-9-5; and**

13 (4) interest that accrues from money in the fund.

14 (b) The fund shall be administered by the budget agency.
15 Notwithstanding IC 5-13, the treasurer of state shall invest the money
16 in the fund not currently needed to meet the obligations of the fund in
17 the same manner as money is invested by the public employees

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1 retirement fund under IC 5-10.3-5. The treasurer of state may contract
 2 with investment management professionals, investment advisors, and
 3 legal counsel to assist in the management of the fund and may pay the
 4 state expenses incurred under those contracts. Money in the fund at the
 5 end of the state fiscal year does not revert to the state general fund.

6 SECTION 2. IC 4-12-5-4, AS ADDED BY P.L.21-2000, SECTION
 7 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1,
 8 2001]: Sec. 4. Subject to appropriation by the general assembly, review
 9 by the budget committee, and approval by the budget agency, the
 10 treasurer of state shall distribute money from the fund to public or
 11 private entities or individuals for the implementation of programs
 12 concerning one (1) or more of the following purposes:

- 13 (1) The children's health insurance program established under
 14 IC 12-17.6.
- 15 (2) **Cancer research**, cancer detection tests, and cancer education
 16 programs.
- 17 (3) Heart disease and stroke education programs.
- 18 (4) Assisting community health centers in providing:
 - 19 (A) vaccinations against communicable diseases, with an
 20 emphasis on service to youth and senior citizens;
 - 21 (B) health care services and preventive measures that address
 22 the special health care needs of minorities (as defined in
 23 IC 16-46-6-2); and
 - 24 (C) health care services and preventive measures in rural
 25 areas.
- 26 (5) Promoting health and wellness activities.
- 27 (6) Encouraging the prevention of disease, particularly tobacco
 28 related diseases.
- 29 (7) Addressing the special health care needs of those who suffer
 30 most from tobacco related diseases, including end of life and long
 31 term care alternatives.
- 32 (8) Addressing minority health disparities.
- 33 (9) Addressing the impact of tobacco related diseases, particularly
 34 on minorities and females.
- 35 (10) Promoting community based health care, particularly in areas
 36 with a high percentage of underserved citizens, including
 37 individuals with disabilities, or with a shortage of health care
 38 professionals.
- 39 (11) Enhancing local health department services.
- 40 (12) Expanding community based minority health infrastructure.
- 41 (13) Other purposes recommended by the Indiana health care trust
 42 fund advisory board established by section 5 of this chapter.



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SECTION 3. IC 6-8.1-9-5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 5. (a) There is established the Barry J. Brumer cancer research account within the Indiana health care trust fund.

(b) An individual who files an individual income tax return and who is entitled to a refund from the department of state revenue because of the overpayment of income tax for a taxable year may designate on the individual's annual state income tax return that either a specific amount or all of the refund to which the individual is entitled shall be paid over to the the Barry J. Brumer cancer research account. If the amount the individual designates to the Barry J. Brumer cancer research account is more than the refund to which the individual is entitled, all of the individual's refund shall be designated to the Barry J. Brumer cancer research account.

(c) A husband and wife who file a joint income tax return and who are entitled to a refund from the department of state revenue because of the overpayment of income tax for a taxable year may designate on their annual state income tax return that either a specific amount or all of the refund to which the husband and wife are entitled shall be paid over to the Barry J. Brumer cancer research account. If the amount the husband and wife designate to the Barry J. Brumer cancer research account is more than the refund to which the husband and wife are entitled, all of the refund to which they are entitled shall be designated to the Barry J. Brumer cancer research account.

(d) If an individual or a husband and wife who designate a donation to the Barry J. Brumer cancer research account under this section also designate a donation to the nongame fund under section 4 of this chapter, the department first shall apply the refund to the payment of the donation to the nongame fund. The balance, if any, of the refund remaining after payment of the donation to the nongame fund shall be applied to payment of the donation made by the individual or the husband and wife under this section to the Barry J. Brumer cancer research account.

(e) The instructions for the preparation of the individual income tax return must contain a description of the purposes of the Barry J. Brumer cancer research account written in conjunction with the budget agency and the state department of health.



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COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1360, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, between the enacting clause and line 1, insert the following:

"SECTION 1. IC 4-12-5-3, AS ADDED BY P.L.21-2000, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 3. (a) The Indiana health care trust fund is established for the purpose of promoting the health of the citizens of Indiana. The fund consists of:

- (1) amounts, if any, that another statute requires to be distributed to the fund from the Indiana tobacco master settlement agreement fund;
- (2) appropriations to the fund from other sources;
- (3) grants, gifts, and donations intended for deposit in the fund, **including amounts designated to the Barry J. Brumer Cancer Research account under IC 6-8.1-9-5;** and
- (4) interest that accrues from money in the fund.

(b) The fund shall be administered by the budget agency. Notwithstanding IC 5-13, the treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as money is invested by the public employees retirement fund under IC 5-10.3-5. The treasurer of state may contract with investment management professionals, investment advisors, and legal counsel to assist in the management of the fund and may pay the state expenses incurred under those contracts. Money in the fund at the end of the state fiscal year does not revert to the state general fund."

Page 2, line 23, after "(a)" insert **"There is established the Barry J. Brumer cancer research account within the Indiana health care trust fund.**

(b)".

Page 2, line 28, delete "Indiana".

Page 2, line 29, delete "health care trust fund under IC 4-12-5 for cancer research." and insert **"the Barry J. Brumer cancer research account."**

Page 2, line 30, delete "Indiana health care trust".

Page 2, line 31, delete "fund for cancer research" and insert **"Barry J. Brumer cancer research account"**.

Page 2, line 33, delete "Indiana health care trust fund for cancer".

Page 2, line 34, delete "research." and insert **"Barry J. Brumer cancer research account."**

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Page 2, line 35, delete "(b)" and insert "(c)".

Page 2, line 40, delete "Indiana health care trust fund".

Page 2, line 41, delete "under IC 4-12-5 for cancer research." and insert "**Barry J. Brumer cancer research account.**".

Page 2, line 42, delete "health care trust fund for cancer research" and insert "**Barry J. Brumer cancer research account.**".

Page 3, line 2, after "designated to" insert "**the Barry J. Brumer cancer research account.**".

Page 3, delete line 3.

Page 3, line 4, delete "(c)" and insert "(d)".

Page 3, line 5, delete "health care trust fund for cancer research" and insert "**Barry J. Brumer cancer research account.**".

Page 3, line 12, delete "Indiana health care trust fund for cancer".

Page 3, line 13, delete "research." and insert "**Barry J. Brumer cancer research account.**".

Page 3, line 14, delete "(d)" and insert "(e)".

Page 3, line 16, delete "Indiana health care trust fund and shall be" and insert "**Barry J. Brumer cancer research account.**".

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1360 as introduced.)

BAUER, Chair

Committee Vote: yeas 22, nays 0.

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